

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES,)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No. 6:22-cv-28-NKM
)	
ENVIGO RMS, LLC,)	
)	
Defendant.)	
)	
)	
)	

DECLARATION OF MICHAEL C. GARRETT

I, Michael C. Garrett, declare the following to be true and correct to the best of my knowledge:

1. I am the Chief Commercial Officer for Inotiv, Inc., the parent company of Envigo.
2. I have been in the life sciences industry for over 25 years in various commercial leadership roles. Prior to joining Envigo, I was the Vice President of Commercial Development for MPI Research, responsible for global sales, marketing and client services. For nine years prior to that, I was a provider of contract GMP testing and toxicology services to the biopharmaceutical industry at BioReliance. I have an M.S. in Experimental Pathology from the University of Washington in Seattle, Washington and a B.S. in Biology from Duke University in Durham, North Carolina.
3. In my role as Chief Commercial Officer, my responsibilities include overseeing Envigo's customer service operations, pricing strategy, marketing and contracting, and managing

customer relations. In that role, I supervise the team responsible for accepting, processing, and fulfilling customer orders. Envigo's customers are biopharmaceutical companies and contract research organizations located across the country and around the world.

4. Envigo has longstanding relationships with these customers. Customers purchase research animals from our inventory by placing purchase orders via phone, mail, or email that are processed through our accounting system. Each purchase order specifies, among other things, the date of order, the number of research animals ordered, the requested date of delivery, and the price.

5. An example of one of these purchase orders is attached as **Exhibit A**. The customer name, price, and other competitively sensitive information have been redacted from the example order. The redacted document shows the type of detail and information that is typically included on the orders Envigo receives.

6. Since May 21, 2022, when the Court issued a temporary restraining order ("TRO") requiring Envigo to cease breeding, selling, or otherwise dealing in beagles at the Cumberland Facility, Envigo has not fulfilled any existing customer orders or accepted new customer orders for beagles bred at the Cumberland Facility. The Cumberland Facility is Envigo's only beagle breeding operation.

7. As a result of Envigo's strict compliance with the Court's TRO, Envigo is late in fulfilling numerous existing customer orders.

8. On June 17, 2022 date, I learned that the Court granted a preliminary injunction ("June 17 Order") allowing the Cumberland Facility to resume transferring beagles to fulfill existing customer orders that were executed prior to May 21, 2022—subject to providing those orders to counsel for the United States for authentication.

9. That same day, my team and I worked late into the evening to identify through our accounting system all existing customer orders for beagles bred at the Cumberland Facility that were dated prior to May 21, 2022.

10. My team and I collected approximately 90 pending orders for beagles from over a dozen Envigo customers that met these criteria. Each of these orders for beagles bred at the Cumberland Facility were dated prior to May 21, 2022.

11. My team provided true and correct copies of these existing orders to counsel for Envigo. I understand that counsel for Envigo provided these orders to counsel for the United States, the very next day, on June 18, 2022.

12. Envigo is prepared to begin shipping beagles pursuant to several of these orders almost immediately.

13. I understand that for the first time yesterday counsel for the United States informed Envigo that in order to have an existing order fulfilled, Envigo's customers would need to provide an affidavit attesting that the order was (1) placed prior to the date the Court's TRO was ordered and (2) for animals bred at the Cumberland Facility. I understand that counsel for the United States is requesting that each customer provide an affidavit directly to the Department of Justice via email or first class mail.

14. I do not believe this additional information is necessary for authenticating Envigo's orders because each and every order provided to the United States was dated prior to May 21, 2022 and because the Cumberland Facility is Envigo's only beagle breeding operation and therefore the orders were necessarily for dogs bred at that facility.

15. Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 23, 2022.

Michael Garrett

Michael C. Garrett